IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5620 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SARDAR PATEL INSTITUTE OF ECONOMIC AND SOCIAL RESEARCH

Versus

GUJARAT MAZDOOR SABHA

Appearance:

MR JIVANLAL G SHAH for Petitioner No. 1

NOTICE SERVED for Respondent No. 1

MR NR SHAHANI for Respondent No. 2

Mr. Sudhir Mehta, AGP for Respondent No. 3

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 21/06/2002

ORAL JUDGEMENT

At the time of hearing of this petition Mr. H.J. Shah, learned advocate appearing for the petitioner has stated on instruction from the officer who is present in the Court that the impugned order passed by the Presiding Officer, Special Labour Court, Ahmedabad, on 29.4.1988

contains three directions. So far as the first direction is concerned, it is submitted that the rules were framed by the petitioner and there was no grievance from any corner. So far as the second direction is concerned, it is submitted that the respondent No.2 was given promotion to the post of Office Assistant from 8.12.1982. Asfar as the third direction is concerned, it is further submitted that the said respondent No.2 was also given all service benefits available to him with effect from 8.12.1982. Thus, all the three directions given by the Labour Court, were implemented and hence nothing survives in this petition. It is further submitted that the 2nd respondent has retired from service in the year 1995.

2. Mr. Shah has further submitted that the respondent No.2 is being paid 90% of the pension amount and as the Service Book is lying with the Labour Court the respondent No.2 was not given the full pension. Mr. Shah has therefore requested that while disposing of this petition, suitable direction should be given to the Labour Court so as to enable the petitioner to pay the full pensionary benefits to the respondent No.2. The Labour Court is accordingly directed to return the Service Book to the petitioner within a period of four weeks from the date of receipt of writ of this Court. It goes without saying that after receipt of the Service Book the petitioner would make suitable proposal for payment of balance 10% of the amount of pension before the respondent No.3 and after verifying the same, the respondent No.3 would make payment of balance 10% of the pension amount to the respondent No.2 as early as possible preferably within the period of 6 weeks from the date of receipt of proposal from the petitioner. It is expected that the petitioner will make the proposal to the respondent No.3 within 2 weeks from the date of receipt of the Service Book from the Labour Court. With these observations and directions to the Labour Court, the petition is disposed of. Rule is discharged with no order as to costs.

[K.A. Puj, J.]

rmr.